



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Pang et al.  
Serial No. : 09/025,635  
Filed : February 18, 1998  
For : DNA CONSTRUCT TO CONFER  
MULTIPLE TRAITS ON PLANTS

Examiner: 11/4/00  
Zaghmout

Art Unit:  
1649

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the October 5, 1999, written restriction requirement, applicants hereby elect Group III (i.e. claims 1, 19, and 46-81) with traverse. However, applicants submit that this restriction requirement does not meet the standards of 35 U.S.C. § 121 and, therefore, should be withdrawn. In particular, with respect to Groups I to VI, each of these inventions includes the subject matter of claim 1. It is, therefore, not understood how these groups can be separate and distinct. Applicants submit that there is no benefit derived from maintaining the restriction requirement with regard to Groups I to VI in that election of any one of these groups requires that a search for the subject matter of claim 1 be conducted. Moreover, consideration of the patentability of claim 1 would not be proper without consideration of the subject matter of all the inventions of Groups 1 to VI. Since there is no benefit in maintaining the present restriction requirement, applicants submit that it should be withdrawn.

Respectfully submitted,

Michael L. Goldman  
Registration No. 30,727

Date: December 6, 1999

NIXON PEABODY LLP  
Clinton Square, P.O. Box 1051  
Rochester, New York 14603  
Telephone: (716) 263-1304  
Facsimile: (716) 263-1600

